

MILPERSMAN 1050-320

REQUEST APPELLATE LEAVE

Responsible Office	NAMALA	Phone:	DSN	325-0100
			COM	(202) 685-0100
			FAX	325-0606

References	(a) Uniform Code of Military Justice (b) OPNAVINST 5800.9 (c) NAVMED P-117, Manual of the Medical Department (d) NAVSO P6034, The Joint Federal Travel Regulations, Volume I (e) SECNAVINST 5510.30A (f) NAVSUP Publication I, Volume 2, Naval Supply Systems Command, Supply Ashore (g) BUPERSINST 1750.10B (h) Defense Joint Military System Procedure Training Guide (DJMS PTG)
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1. **Scope.** Members sentenced by court-martial to dismissal or an unsuspended punitive discharge, but whose sentence has not yet been approved, may request appellate leave provided all confinement (if any) has been completed. The request may be approved at the discretion of the commander exercising court-martial authority, if in the commander's opinion the best interest of the Naval Service would be served by granting the member's request. Appellate leave removes such Sailors from the physical presence of the command, thus promoting readiness and good order and discipline.

2. **Checklist.** Follow the steps below if the member's appellate leave request has been approved. **A member may not be placed on appellate leave until DNA is obtained, forwarded, and accepted by U.S. Army Criminal Investigation Laboratory (USACIL).**

Step	Action
1	If convicted of a qualifying military offense (QMO), any offense under reference (a), punishable by a sentence with confinement of more than 1 year (regardless of sentence imposed), ensure DNA sample is collected, forwarded to, and accepted by USACIL per reference (b).
2	Arrange for separation physical (including HIV test) to be completed prior to commencement of appellate leave. See MILPERSMAN 1900-808 and reference (c).
3	Offer member formal inpatient treatment prior to separation if diagnosed as drug and/or alcohol dependent (see MILPERSMAN 1910-800). NOTE: If member accepts treatment, appellate leave may not commence until treatment is completed or terminated. Ensure member's acceptance/non acceptance is documented in the service record.
4	Ensure member understands that transportation to selected leave address will be at member's own expense.
5	Counsel member on right to petition the Naval Clemency and Parole Board using NAVSO 5815/4 (5-81), Waiver of Clemency Review; or NAVSO 5815/2 (Rev. 8-80), Request for Restoration/Clemency. A copy of the document must be filed in the service record. NOTE: NAVSO 5815/4 is not required for personnel with sentence adjudged on or after 5 November 1993 if approved confinement is less than 12 months .
6	Counsel member regarding shipment of personal property and/or household goods (HHG). Eligible members must submit a written request to the General Court-Martial Convening Authority (GCMCA)/Special Court-Martial Convening Authority (SPCMCA) for approval per reference (d). Property should not be transferred to a Navy storage facility. For members stationed in continental United States (CONUS) without family members, HHG shipment is not authorized per reference (d), para. U5317. For members with family members stationed in CONUS, travel and HHG shipment may be authorized at the discretion of the convening authority (CA) if deemed in the best interest of the member or member's family and the United States per reference (d), para. U5370-H. For members stationed outside CONUS, family members' travel and HHG shipment will be authorized or approved to the home of record when the general court-martial (GCM) authority determines such to be in the best interest of the Government per reference (d), para. U5370-B2.
7	Revoke member's security clearance per reference (e).
8	Revoke member's private vehicle base decal.

Step	Action
9	Confiscate all property of the Government except one overcoat, if needed, as provided in reference (f), para. 25940.
10	Confiscate identification (ID) card(s) of member and dependents.
11	Issue new ID to member and dependents, with an expiration date of 6 months from the date of issue. Successive cards may be reissued for up to 3 months until discharge is affected. Contact Navy and Marine Corps Appellate Leave Activity (NAMALA) for authorization per reference (g).
12	Have member read, initial, and sign Appellate Leave Statement of Understanding (see MILPERSMAN 1050-370). File original in service record and provide a copy to the member.
13	Verify service record pages for completeness and accuracy. Enter appropriate entry to document action.
14	Provide member with copy of NAVCOMPT 3065 (Rev. 2-83), Leave Request/Authorization). File a copy in the service record.
15	Update Navy Standard Integrated Personnel System (NSIPS) Transient Tracking on member as applicable; this may include <ul style="list-style-type: none"> • Transient - General (account category code (ACC)), ACC Effective Date, Transient Tracking Code, etc.); • Legal Information (Disciplinary Action, Confinement, Appellate Leave information); and • Remarks as appropriate.
16	Change ACC to 393. NSIPS activities use Transient Tracking to change ACC to 393.
17	To change duty status code (DSC) to 136, submit NSIPS leave transaction. NSIPS activities use Leave, Leave Create, Absence Type "R" (Start Appellate Leave) , with days granted 300 , per reference (h), para. 10255. If the member requests to be paid for all accrued leave, terminate all pay and allowances including selected reenlistment payments; refer to reference (h), para 10255.
18	Drop member from strength. All personnel placed on appellate leave, mandatory or voluntary, will be administratively dropped from Navy Strength at the time appellate leave is executed without regard to status of the CA's action. NSIPS activities use Losses, Admin Loss, Use, Admin Loss - Create ; after this is released, DSC will change from 136 to 143 (Active Duty, Admin Punitive Discharge, Drop from Strength).
19	Go to MILPERSMAN 1050-330. NOTE: If CA action is not received within 120 days of court-martial, initiate tracer action via message to the CA, with follow-up tracer every 30 days thereafter. Include immediate superior in command (ISIC), Office of the Judge Advocate General (OJAG), and NAMALA on second and subsequent tracer actions.